

REMARKS

Claims 1-13 and 18-23 are pending, new claim 23 has been added, and claims 14-17 are withdrawn. The Examiner's indication that claims 3-8 are allowable is noted with appreciation.

It is noted that there was no specific, prior art based rejection of claims 18-22 made in the Office action. It is respectfully submitted that claims 18-22 are allowable.

Claims 1 and 2 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. Publ. No. 2002/0048621 to Boyd et al. in view of U.S. Patent Nos. 6,758,130 to Sargent and 5,080,008 to Helbling. It is respectfully submitted that claims 1 and 2 are not unpatentable over Boyd in view of Sargent and Helbling.

The Office action, page 2, alleges that Helbling discloses "a user interface for initiating an operating cycle of a beverage preparation system." However, Helbling does not disclose a beverage preparation system having a user interface for initiating an operating cycle independent of the beverage type being dispensed, as presently recited in claim 1. Instead, Helbling discloses a microprocessor that has a number of inputs: "For example, to program the unit and for product and quantity selection purposes, an input 55 can be provided from a selector key pad 56. Any other push button array or selector button array may also be used if desired." (col. 5, ll. 28-32) Helbling further discloses "switches for controlling the microprocessor and selecting the product or a particular programs can be provided in a row at 116 in the embodiment of FIG. 4." (Col. 7, ll. 59-62.)

The Office action alleged that the original phrase from claim 1, "wherein operation of the user interface is independent of the beverage type being dispensed," was not presented in terms of a structural limitation. It is respectfully submitted that the presently recited "user interface", "a user interface for initiating an operating cycle independent of the beverage type being dispensed," is a structural limitation.

Claims 9-13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Boyd. It is respectfully submitted that claims 9-13 are not anticipated by Boyd.

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Boyd does not disclose a memory for storing information about operating characteristics used by the beverage preparation machine to dispense a beverage, as presently recited in claim 9. Instead, Boyd only discloses a memory or data storage 150 containing information about packets 10 before beverages are dispensed therefrom. Boyd discloses that a sensor 130 may read a machine interpretable feature 30 of a packet 10 and then a processor 140 may match the machine interpretable feature with predefined brewing operation instructions stored in the memory. (See Boyd, ¶ 33.)

For the foregoing reasons, reconsideration of claims 1, 2 and 9-13 and allowance of claims 1-13 and 18-23 are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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